

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

FILED

DEC 29 2020

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

HARVEST ROCK CHURCH, INC., itself
and on behalf of its member churches in
California; HARVEST INTERNATIONAL
MINISTRY, INC., itself and on behalf of its
member churches in California,

Plaintiffs-Appellants,

v.

GAVIN NEWSOM, in his official capacity
as Governor of the State of California,

Defendant-Appellee.

No. 20-56357

D.C. No.
2:20-cv-06414-JGB-KK
Central District of California,
Los Angeles

ORDER

Before: O'SCANNLAIN, RAWLINSON, and CHRISTEN, Circuit Judges.

The parties are ordered to file supplemental briefs addressing the impact on this case, if any, of the Los Angeles County Department of Public Health's order of December 19, 2020, which, by its terms, permits places of worship to "offer faith-based services, or otherwise allow access for faith-based practices, indoors and outdoors," provided that certain precautions are followed. *See* Cty. of Los Angeles Dep't of Pub. Health, Protocol for Places of Worship: Appendix F (Dec. 19, 2020).

In particular, the parties shall address:

(1) the number of Harvest Rock's member churches that operate within Los

Angeles County and the number of its member churches that operate in other counties which do not enjoy the provisions of the L.A. County order;

(2) the impact the L.A. County order has on the State's constitutional tailoring arguments, including how it affects the State's contention that its interest in reducing the spread of COVID-19 requires the closure of indoor religious worship services in all "Tier 1" counties statewide; and

(3) what effect the December 3, 2020 Regional Stay at Home Order has, if any, on the L.A. County order.

In addition, the parties' supplemental briefs shall address:

(4) whether Harvest Rock challenges the December 3, 2020 Regional Stay at Home Order in addition to the Blueprint; and

(5) whether Harvest Rock challenges the California Department of Health's restrictions on singing and chanting.

The supplemental briefs shall be no longer than fifteen pages and shall be submitted no later than 9:00 a.m. Pacific Time on December 31, 2020.

IT IS SO ORDERED.